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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
Southern Division**

MARIO ABEYTA

Against

PROGRESSIVE MANAGEMENT
SYSTEMS

Case No.:

COMPLAINT for violations of the Fair
Debt Collection Practices Act, 15 U.S.C.
§ 1692 *et seq.* and the Rosenthal Fair
Debt Collections Practices Act, Cal. Civ.
Code § 1788 *et seq.*

Plaintiff Mario Abeyta ("Plaintiff" or "Abeyta") by and through his
attorneys, The Law Offices of Jonathan A. Stieglitz, as and for its Complaint
against Defendant Progressive Management Systems ("Defendant") respectfully
sets forth, complains and alleges, upon information and belief, the following:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C.
§ 1331, as well as 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. The Court
also has pendant jurisdiction over the State law claims in this action pursuant
to 28 U.S.C. § 1367(a).

1 7. On information and belief, on a date better known to Defendant,
2 Defendant began collection activities on an alleged consumer debt from the
3 Plaintiff (“Alleged Debt”).
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5 8. The Alleged Debt was incurred as a financial obligation that was
6 primarily for personal, family or household purposes and is therefore a
7 “debt” as that term is defined by 15 U.S.C. § 1692a(5).
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10 9. On or around July 25, 2016, Defendant sent a collection letter to
11 Plaintiff.
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13 10. This letter contained abusive language.

14 11. The letter listed the balance due as \$0.00 yet Defendant continued to collect
15 and threaten to report on Plaintiff’s credit.
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17 12. These statements are harassing and deceptive as there was no balance due.

18 13. This abusive language caused Plaintiff to become extremely upset and
19 disheartened due to the extremely difficult financial struggle he is going
20 through that has led him to the brink of bankruptcy.
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22 14. As a result of Defendant's deceptive, misleading and unfair debt collection
23 practices, Plaintiff has been damaged.
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27 **FIRST CAUSE OF ACTION**
28 **(Violations of the FDCPA)**

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2 15. Plaintiff incorporates by reference all of the above paragraphs of this
3 Complaint as though fully stated herein with the same force and effect as if
4 the same were set forth at length herein.
5

6 16. Defendant's debt collection efforts attempted and/or directed towards
7 Plaintiff violate various provisions of the FDCPA, including but not limited
8 to 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(5), 1692e(8) and 1692f.
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10 17. As a result of the Defendant's violations of the FDCPA, Plaintiff has
11 been damaged and is entitled to damages in accordance with the FDCPA.
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14 **SECOND CAUSE OF ACTION**
15 **(Violations of the RFDCPA)**
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17 18. Plaintiff incorporates by reference all of the above paragraphs of this
18 Complaint as though fully stated herein with the same force and effect as if
19 the same were set forth at length herein.
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21 19. The RFDCPA requires debt collectors to comply with the FDCPA, and
22 a violation of the FDCPA is also a violation of the RFDCPA. Cal. Civ. Code
23 § 1788.17.
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25 20. The remedies under the FDCPA and RFDCPA are cumulative, and
26 Plaintiff is entitled to damages under both acts.
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By: /s/ Jonathan A Stieglitz
Jonathan A Stieglitz